

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANCISCO J. MARTINEZ,

Petitioner,

v.

BRAD HANSEN, TSCI Warden, and
SCOTT FRAKES, NDCS Director,

Respondents.

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8:17CV406

MEMORANDUM AND ORDER

This matter is before the court on Petitioner's Motion for Reconsideration. (Filing No. [9](#).) The court dismissed this matter without prejudice on December 11, 2017, because Plaintiff failed to pay the \$5.00 filing fee in this matter. (Filing No. [8](#).) At the time of dismissal, there was no indication appearing on the Docket Sheet that the filing fee had been paid.

In Petitioner's Motion for Reconsideration, he states that he paid the filing fee and that this matter should not have been dismissed. The court has investigated Petitioner's statement and finds that Petitioner did, indeed, submit a filing fee payment of \$5.00 on or about November 22, 2017, but the payment was not docketed due to an administrative error. On December 28, 2017, the clerk's office updated its records to show that Petitioner paid the filing fee. (See Docket Sheet.) In light of this administrative error, the court will grant Petitioner's Motion and direct the clerk's office to reopen this matter. I apologize to Petitioner for this error.

IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration (Filing No. [9](#)) is granted, and the clerk's office is directed to reopen this matter. My judicial assistant shall gather the materials and present this matter to me for initial review.

DATED this 29th day of December, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge